IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4101 OF 2005

Appa Sopan Karche ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri. Milind Deshmukh for the Applicant.
Shri. K. V. Saste A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 07, 2005.

P.C.:

1. The offence alleged against the Applicant alongwith two other co-accused is under Section 307 read with section 34 of the Indian Penal Code. From F.I.R. it appears that allegations against all the three accused are more or less identical. The allegation is that they assaulted one Mrs. Seema Vijay Kalokhe and one Rajaram Tukaram Kalokhe by using iron pipes in their hand. It is not in dispute that the co-accused Vishal has been ordered to be enlarged on bail by the Sessions Court. The learned Advocate for the Applicant stated that the third accused is ordered to be enlarged by granting Anticipatory Bail. However, the learned A.P.P. stated that he is not aware of the order granted in favour of the third accused.

2. There are three other cases registered against the Applicant. It is not in dispute that in the other cases which are registered against the Applicant, he has been enlarged on bail. Before the date of offence, it appears that the Applicant has undergone brain surgery in Pune Institute of Neurology and documents to that effect have been placed on record. If the allegation of the prosecution against all the three accused are identical and if one of the accused is enlarged on regular bail, the Applicant is also entitled to be enlarged on bail.

3. It is not in dispute that after completion of investigation chargesheet has been filed. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with C.R. No.262 of 2004 of Phaltan Police Station, subject to furnishing a personal bond of Rs.20,000/- with two sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not enter within the limits of area falling in the jurisdiction of Phaltan Police

Station for period of two months from the date on which he is enlarged on bail.

iii) Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE